

REMARKS

Status of the Claims

After entry of the instant Amendment, claims 1-7, 9-13, 15 and 17-19 are now pending in the present application. Claims 1, 10-12 and 15 are independent.

Claims 1-7, 9-13 and 15 have been amended and claims 8, 14 and 16 have been cancelled without prejudice or disclaimer of the subject matter contained therein. New claims 17-19 have been added. Support for the amendments made to the claims and for the new claims can be found throughout the Specification as filed. Reconsideration of this application, as amended, is respectfully requested.

Request for Entry of Response After Final Rejection

This response should be entered after final rejection because the claims as amended should now be in condition for allowance.

In the event that this response does not place this application into condition for allowance, the Examiner is requested to enter this response because it places the application into better condition for appeal.

Priority under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified copies of the priority documents.

Abstract of the Disclosure

As requested by the Examiner, Applicants have amended the Abstract of the Disclosure in order to place it in better form. Applicants respectfully request that the objection to the Abstract be withdrawn.

Drawings and Amendment of the Specification

Applicants inadvertently submitted the wrong drawing for Figure 1 with the Amendment filed October 22, 2009. Applicants are filing a replacement sheet for Figure 1 herewith.

Applicants have also amended the Specification to more completely and accurately describe the contents of Figure 1, as requested by the Examiner at page 2 of the Office Action.

Applicants respectfully request that the Examiner acknowledge submission of the corrected drawing in the next Office Action.

Objections to the Claims and Amendment of the Specification

Claims 1-3, 6, 7 and 12 are objected to because there are inconsistencies in uniformly providing subscript numbers to variables recited in the claims. Applicants have amended the claims to uniformly provide subscript numbers in the claims. Applicants respectfully request that the objections to claims 1-3, 6, 7 and 12 be withdrawn.

As requested at page 6 of the Office Action, Applicants have accordingly amended the Specification to uniformly provide subscript numbers for the same variables.

Rejection under 35 U.S.C. § 101

Claims 15 and 16 stand rejected under 35 U.S.C. § 101, as being method claims that only recite a use, without setting forth any steps involved in the process. Claim 16 has been cancelled, and its rejection is therefore moot. Applicants respectfully traverse the rejection of claim 15 under 35 U.S.C. § 101.

Claim 15 has been amended to recite additional limitations (*i.e.*, chemical structures/identities/definitions of the process starting materials, reagents, critical reaction conditions, intermediates, and final products) related to the synthesis of a nucleic acid oligomer, as requested in the Office Action.

In view of the amendments made to claim 15, Applicants respectfully request that the rejection of claim 15 under 35 U.S.C. § 101 be withdrawn.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1-16 stand rejected under 35 U.S.C. § 112, first paragraph, as lacking enablement. Claims 8, 14 and 16 have been cancelled, and their rejection is now moot. Applicants respectfully traverse the rejection of claims 1-7, 9-13 and 15.

It is asserted in the Office Action that while the Specification is enabling for a specific process for the derivatization of a "highly cross-linked polystyrene" (HCP) solid support by reaction of a functional group attached to said HCP possibly with a compound of claim 1 to create a solid

support derivatized to serve as the starting point for nucleic acid synthesis, it is not enabling for derivatization of other solid supports.

Applicants respectfully submit that one of skill the art would recognize that the 3'-end nucleoside unit of the claimed invention could easily be introduced into a solid-phase support having hydroxyl groups on its surface, as recited in the amended claims. A highly cross-linked polystyrene (HCP) is just one example of such a solid support.

Applicants respectfully submit that claims 1-7, 9-13 and 15, as amended, comply with the enablement and written description requirements of 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 8, 14 and 16 have been cancelled, and their rejection is now moot. Applicants respectfully traverse the rejection of claims 1-7, 9-13 and 15.

The Examiner has set forth certain instances wherein the claim language lacks antecedent basis or is not clearly understood. The Examiner's objections and rejections of the claims are set forth in detail in the Office Action at pages 5-12.

In order to overcome this rejection, Applicants have amended claims 1-7, 9-13 and 15 to correct each of the deficiencies specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Stephanie A. Wardwell, Ph.D., Registration No. 48,025, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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Attachments: Figure 1 (one Replacement Sheet)
Replacement Abstract